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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,536	03/08/2001	Neil Stratton	37197/RJW/A524	7179

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EXAMINER	
MAR, MICHAEL Y	
ART UNIT	PAPER NUMBER

3618  
DATE MAILED: 07/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. <b>09/801,536</b>	Applicant(s) <b>Neil Stratton</b>
Examiner <b>Michael Mar</b>	Art Unit <b>3618</b>



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on \_\_\_\_\_.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

4)  Claim(s) 1-22 is/are pending in the application.

4a) Of the above, claim(s) 15-22 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-14 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6)  Other: \_\_\_\_\_

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**DETAILED ACTION**

1. Claims 15-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.
2. In the specification, page 4, line 13, there is a double recitation of “of the”.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-7 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, there is no antecedent basis for “the skateboard” in line 3, “the swivel” in line 9, and “the front end” in line 10. In claim 1, the recitation “in two degrees of freedom” is unclear as to whether it means movement about two different axes or a range of pivotal movement of two degrees. In claims 3 and 4, the recitation “the skateboard’s plane” is vague and unclear since the plane has not been defined. In claim 9, line 2, the recitation “inclined bearing surface

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perpendicular to the second pivot axis" in incorrect because the inclined bearing surface is actually perpendicular to the first pivot axis.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Pracas 5,522,620.

Pracas discloses a skateboard truck comprising a swivel member 12 adapted to be attached to the underside of a skateboard by a pivot member 16 for pivotal movement about a first pivot axis, an axle 84 having a pair of wheels mounted at opposite ends of the axle, a support member 84 for attaching the axle to the swivel member, and a resilient sleeve circumferentially disposed about the support member. The axle is pivotal about a second axis relative to the swivel member. The axle is thus pivotable relative to the skateboard about two different axes.

***Claim Rejections - 35 USC § 103***

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pracas 5,522,620.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the base with an inclined surface for mounting the swivel member thereto in order to enhance the centering effect of the truck assembly.

9. Claims 6, 7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pracas 5,522,620 as applied to claims 2 and 8 above, and further in view of Boardman 565,718.

Boardman teaches the old and well known use of a centering mechanism on a steering assembly. The centering mechanism includes a swivel member G, a linkage member G' biased by a compression spring E into engagement with the swivel member, and a bolt E3 received through a threaded aperture in a plate C4. The biasing force exerted upon the linkage is adjusted by rotation of the bolt.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the swivel member of Pracas with a centering mechanism as taught by Boardman

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in order to provide the skateboard with the ability to move in a straight direction when steering forces by a user are not exerted upon the skateboard.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They all teach the use a skateboard truck assembly in which an axle is movable about two distant axes relative to a skateboard platform.

11. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to ***Group Art Unit 3618***.

12. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

**or faxed to:**

(703) 308-2571

(for formal communications intended be entered)

(all informal communications should be labeled "PROPOSED" OR "DRAFT")

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**or hand delivered to:**

Crystal Park 5, 2451 Crystal Drive, Arlington, Virginia 22202

Seventh Floor(receptionist)

13. Any inquiry concerning this communication should be directed to Michael Mar at telephone number **(703) 308-2087** between the hours of 10:00 AM and 7:00 PM, Monday-Friday or by e-mail at: **michael.mar@uspto.gov**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is **(703) 308-1113**.



**MICHAEL MAR**

**Primary Examiner**

M.Mar

July 12, 2002